

REMARKS

The present Amendment is in response to the Office Action mailed May 21, 2004 in the above-identified patent application. Enclosed herewith is a Petition requesting a one-month extension of time for resetting the deadline for responding to the Office Action from August 21, 2004, to and including September 21, 2004.

As an initial matter, the undersigned acknowledges and appreciates the willingness of Examiners Ferguson and Hirshfeld to conduct a telephone interview of the present application on September 8, 2004.

In the Office Action, the Examiner objected to the drawings under 37 C.F.R. § 1.83(a) as failing to show every feature of the invention specified in the claims. Specifically, the Examiner asserted that the "non-porous surface" must be shown or the features canceled from the claims. In response, Applicant encloses herewith replacement drawing sheets that clearly show the non-porous surface on the marking structures of the hand stamp. Support for the "non-porous surface" is found in the originally filed drawings and the specification at, *inter alia*, paragraphs [0013] and [0036]. In view of the above, Applicant respectfully asserts that the replacement drawing sheets now satisfy the requirements of 37 C.F.R. § 1.83(a).

In the Office Action, the Examiner rejected claims 1, 4, 7-9 and 11 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,471,930 to Wood in view of U.S. Patent No. 5,655,451 to Wasylczuk et al. and U.S. Patent No. 5,577,444 to Toyama. Referring to FIG. 2 thereof, Wood discloses a stamp including a holder 12 having a base 14. A first stamp portion 16 is mounted on the base 14, with an opening 23 provided in the first stamp portion 16. The stamp has a second stamp portion 48 connected with a plunger 36. In use, the rubber stamp is wetted with ink having a first color by pressing the first stamp portion 16 against a first stamp pad, while the second stamp portion 48 is in its raised position. Then the plunger 36 is depressed to move the second stamp portion 48 to its lowered

position. The second stamp portion 48 can then be pressed against a second ink pad to wet it with ink of a second color. A two-colored image can be applied to a surface such as a greeting card by pressing the rubber stamp against the greeting card and then pressing the plunger 36.

Referring to FIG. 1 thereof, Wasylczuk discloses a stamp set, whereby each stamp includes a backing member 12, a resilient foam layer 16 and a rubbery transfer element 18. Patterns 20 (FIG. 3) are formed on the lower surfaces of the stamping elements by laser cutting or other methods. The individual stamps 12 are positioned next to each other so that one stamp is left in contact with the substrate while its neighbor is positioned to prevent the patterns from overlapping (col. 2, lines 46-50).

Toyama has been cited as teaching a hand stamp including a porous stamping member 10 having a stamping portion and a non-stamping portion. Referring to FIG. 2 thereof, the non-stamping portion 12 is sealed using heat sealing to prevent the stamp ink from passing through the non-stamping portion.

In response to the Examiner's rejection, independent claim 1 has been amended to more clearly distinguish the claim from the prior art. As amended, independent claim 1 is unobvious over Wood, Wasylczuk and Toyama because the cited references neither disclose nor suggest a hand stamp including "said first and second marking structures being permanently assembled together." Clearly, Wasylczuk's individual hand stamps are not permanently assembled together but are merely positioned next to one another during a stamping procedure. This deficiency is not overcome by Wood and Toyama. For these reasons, claim 1 is unobvious over the references cited by the Examiner and is otherwise allowable. Claims 2-6 are unobvious, *inter alia*, by virtue of their dependence from claim 1, which is unanticipated for the reasons set forth above.

Independent claim 7 is unobvious over the references cited by the Examiner because the references neither disclose nor suggest a hand stamp with "said first and second marking

structures being assembled together with the first patterned peripheral edge of said first marking structure interlocking with the second patterned peripheral edge of said second marking structure so that said first and second marking structures can be assembled together in only one configuration." In contrast, Wasylczuk's individual stamps can be arranged in a plurality of different configurations and are not capable of being assembled together "in only one configuration" as required by claim 7. This deficiency is not overcome by Wood and Toyama. For all of these reasons, claim 7 is unobvious over the art cited by the Examiner and is otherwise allowable. Claims 8-13 are unobvious, *inter alia*, by virtue of their dependence from claim 7, which is unobvious for the reasons set forth above.

As noted above, Applicant has canceled claims 14-18, thereby rendering the Examiner's Section 103(a) rejection moot.

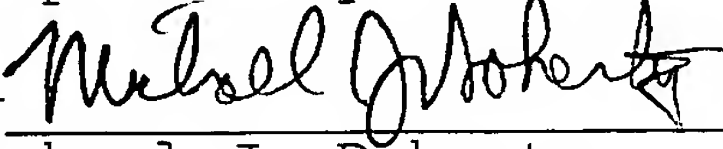
As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that she telephone Applicant's attorney at (908) 654-5000 in order to overcome any additional objections which she might have.

If there are any additional charges in connection with this requested Amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: September 13, 2004

Respectfully submitted,

By 
Michael J. Doherty
Registration No.: 40,592
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicant

IN THE DRAWINGS

In response to the Examiner's objection under 37 C.F.R. § 1.83(a), Applicant submits seven (7) sheets of corrected drawings.

Attachment: Seven (7) Replacement Sheets